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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/997,359	11/30/2001	Matthew D. Stringer	01238	3481

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EXAMINER

CHIN SHUE, ALVIN C

ART UNIT

PAPER NUMBER

3634

DATE MAILED: 09/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/997,359

Applicant(s)

STRINGER, MATTHEW D.

Examiner

Alvin C. Chin-Shue

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,3-22 and 24-75 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-22,24-75 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1,3-21,41,42,47-69 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The following phrases lack antecedent basis; “the holding and securing device”, as set forth in claims 1, “the handle”, as set forth in claim 21, and “the locking member”, as set forth in claim 41. It appears that claim 4 is redundant and a mere double recitation of the limitation of claim 1. It does not appear that the second support has an engagement member, as set forth in claim 15.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,3-8,13-19,22,24-29,64,65,71,72 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Perry ‘761.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,3-8,12-19,64,65,71, 72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perry '761. Perry shows a handle 66, locking means 69, and means for engagement 58. Although the handle appears to be integral with the securing means, Perry is silent on same, thus to make the handle integral with the pin, would have been an obvious mechanical expedient to facilitated construction.

Claims 9,10,30,31,54, and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perry in view of Weiland. Perry shows the claimed device with the exception of the spring. Weiland shows a spring 22 to facilitate outward movement of his securing means by hand. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Perry with a spring to facilitate outward movement of his securing means against the bias of his spring 68.

Claims 11,12,32-35, and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perry and Weiland as applied to claim 10 above, and further in view of Emmertt. Emmertt shows a pin 12 as a spring abutment means. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a pin, in lieu of means 19, for the abutment springs.

Claims 1,13-16,20,41-44,62,63, and 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wyse in view of Brown. Wyse shows the claimed device with the exception of the claimed locking means. Brown shows a locking means having an engaging means 32,34, and an engagement means 44. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wyse to comprise a locking means as claimed to frustrate unlocking of the securing means.

Claims 1,2,13-16,20,41-44,62,63, and 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wyse in view of Brown and Smith. Wyse shows the claimed device with the exception of the claimed locking means and the centered handle. Brown shows a locking means. Smith shows a handle with an offset portion at 14 adjacent to the securing means 12 to facilitate holding. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wyse to comprise a locking means as claimed to frustrate unlocking of the securing means and a handle shaped as claimed to facilitate the gripping of the handle.

Claims 9,10,30,31,57,73-75 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Wyse and Brown, or Wyse, Brown, and Smith, as applied to claim 8 above, and further in view of Weiland as applied above.

Claims 11,12,32-40,45,46, and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Wyse, Brown, and Weiland, or Wyse, Brown, Smith, and Weiland as applied to claim 10 above, and further in view of Emmertt as applied above.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Perry in view of Swiderski. Perry shows the claimed scaffold with the exception of the rail socket. Swiderski shows guide rail sockets 44. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Perry to comprise guide rail sockets to facilitate the attachment of guide rails to his scaffold.

Claims 21,47-61, and 66-69 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

Applicant's arguments filed 8.22.03 have been fully considered but they are not persuasive. Applicant stated that Perry's handle is not offset. The examiner disagrees. It is noted that Perry's handle has a portion connected to his pin, just as applicant's, and a portion which is not on a longitudinal axis of his pin, just as applicant's. With respect to Emmertt, Emmertt shows a pin 12 which is an abutment means for his spring 10. With respect to Wyse, Wyse securing means is

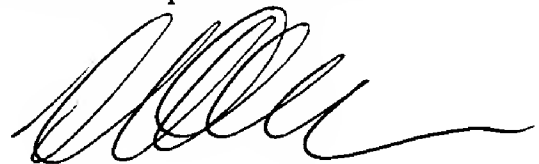
moved by a force substantially at a coaxial center point of his securing means, as the force applied to his handle acts through the attachment point of the handle with the pin, just like applicant's. With respect to Smith, Smith's handle is constructed as applicant's so it is unclear how his bolt/pin is moved by a non-coaxial force.

Applicant's arguments with respect to Weiland and Brown for which they were not used are not deemed persuasive.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin C. Chin-Shue whose telephone number is 703-308-2475. The examiner can normally be reached on Monday-Friday, 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 703-308-2686. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-3008-1113.



Alvin C. Chin-Shue  
Primary Examiner  
Art Unit 3634